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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

VERBATIM RECORD OF THE THREE HUNDRED AND FORTY-SIXTH MEETING

Held at Headquarters, New York,
on Tuesday, 12 June 1990, at 10.30 a.m.

Chairman: Mr. JANKOWITSCH (Austria)

- Report of the Legal Sub-Committee on the work of its twenty-ninth session

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The meeting was called to order at 11.10 a.m.

REPORT OF THE LEGAL SUB-COMMITTEE ON THE WORK OF ITS TWENTY-NINTH SESSION (A/AC.105/457) (continued)

Mr. PERRI (Brazil): In my statement in the Committee on agenda item 3 I expressed my delegation's views on the important questions pertaining to the Legal Sub-Committee's agenda.

The legal questions raised by the absence of a precise delimitation of outer space concern most of our Governments, as Brazil has consistently stated since the question was first put before the Committee. The issue of delimitation is part of the more comprehensive legal question of the applicability of treaties.

My delegation is also convinced that the Legal Sub-Committee has an equally important role to play in dealing with the question of the geostationary orbit. Brazil is aware of the mandate of the International Telecommunication Union (ITU) and entirely agrees with it. Brazil believes that the most rational utilization of that limited natural resource is a matter of concern for the international community, particularly taking into account that States have different technical capabilities which risk saturating this valuable segment of orbit in detriment to the needs of the developing countries.

Brazil considers that the role of the ITU and the Committee's mandate on the geostationary orbit are complementary and mutually non-exclusive. That is why we welcome the efforts made at the Legal Sub-Committee's last session to establish a sound basis for a special legal régime to regulate the uses of that orbit. Bearing in mind the importance my delegation attaches to item 2 on the Legal Sub-Committee's agenda I praise the renewed attempts made by the equatorial countries to bridge the obstacles in the discussion of the character of the geostationary orbit.

With regard to nuclear power sources on board space objects, I confirm my delegation's views, as expressed in my previous statement under our agenda item 3.

(Mr. Perri, Brazil)

International co-operation in outer space activities is the corollary of the general principle enshrined in Article I of the 1967 Outer Space Treaty, which gave us the very title of item 3 of the Legal Sub-Committee's agenda.

The differences between industrialized nations and developing countries have been aggravated by the technological gap. Space exploration and the developments in science and technology resulting from it make those differences seem dramatically impressive.

Brazil believes that from the work of this Committee we should derive the consequences of that basic instrument, the 1967 outer space Treaty, in a way that gives every State the option to have access to space science and technology on a non-discriminatory basis.

The United Nations Charter, within whose framework the Treaty was negotiated, establishes the fundamentals for international co-operation. Paragraph 3 of Article 1 includes the concept as one of its basic purposes. Article 56 affirms the commitment of Member States to co-operate. We can easily agree that Article 56 of the Charter constitutes the pillar upon which to erect the very concept of co-operation. It is my delegation's considered view that from what is stated in those two Articles a general duty to co-operate ensues.

Space exploration is to be carried on on the basis of equality, without discrimination of any kind. The asymmetries of States' capabilities, however, risk transforming outer space into the province of a few, ignoring the ideal of equality of opportunity to which the international community committed itself in the Treaty and the equality of rights enshrined in the Charter.

Freedom of exploration is possible only when at least an effort is made to overcome developmental asymmetries. The concepts of benefit to all and the interests of mankind shall be respected goals only if the international community

(Mr. Perri, Brazil)

finds the proper way not only to facilitate or encourage international co-operation, but also to promote international co-operation as a formal obligation. That is what was called by Wolfgang Friedman "the basis for the establishment of a new international law of coexistence". On that ground, developed and developing countries alike should join efforts to define in a more integrated form their organizational and co-operative efforts in the use and exploration of outer space for peaceful purposes.

To that end, this Committee and its Legal Sub-Committee have been continuously playing the role of, in a "gradual and evolutionary" way discussing and deciding on

> "questions relating to legal aspects, proceeding to the formulation of principles of a legal nature, and, then, incorporating such principles in general multilateral treaties". (Sales No. E.84.1.10-00200)

I have just been quoting the foreword of the publication "The United Nations Treaties on Outer Space".

Methodologically, the Working Group to be presided over by Mr. Raimundo Gonzalez of Chile is bound to examine the information and suggestions provided by Member States on their national legislation and on international instruments dealing with international co-operation. The first result of the work of the Working Group will thus be to devise the substratum of that legislation and those treaties and the ideas underpinning them all in terms of inter-State association and international co-operation. In this exercise the Working Group should select and consider the relevant norms of space law and general international law related to the concept of international co-operation. As a second step, we should engage in negotiating and establishing a set of legal principles on co-operation.

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(Mr. Perri, Brazil)

Given the nature of space activities and the high costs involved, Brazil is convinced that for a developing country to acquire any kind of space capability it is essential to count upon international co-operation. In view of the increasing range of space applications and the growing sophistication involved in space technology, nations should shift towards new forms of integration. Complementarity is the formula for coping with high costs of space activities and creating economies of scale.

The common element in the international instruments we have been examining is that international co-operation is aimed exclusively at the peaceful uses of outer space. A second important element is that mutual benefits should be derived therefrom, reflecting an adequate balance of interests among the parties involved. Yet another element is that joint space activities are a most valuable factor in strengthening relations of trust, openness and friendship among nations. On the basis of these three elements, co-operation in space uses and exploration can be considered a contribution to international peace and security, as well as to a more balanced world development.

Summing up, let us start working without prejudice on the most substantive matter we have before us. For its part, the Brazilian delegation is ready to engage in serious negotiations on this seminal work, which may imply new international law on co-operation in the not too distant future.

Mr. KHABIROV (Union of Soviet Socialist Republics) (interpretation from Russian): First, I should like to congratulate the representative of Czechoslovakia, Mr. Vaclav Mikulka, on his election to the high post of Chairman of the Legal Sub-Committee. At the same time, we should like to express our satisfaction at the report which he submitted to us yesterday at the meeting of the Sub-Committee. In our view, that report gives a full picture of what has taken

(Mr. Khabirov, USSR)

place at the session of the Sub-Committee at Geneva. Having said that, I should like to note that we assess the results of the session in Geneva positively. In the course of the discussion, good ideas and proposals were put forward concerning the international-legal regulation of space activity, and we favour many of these ideas. In particular, we view as indisputable the arguments for more openness in space activity and for ensuring its transparency. The position of the Soviet Union on many specific issues and aspects of drawing up a régime for the use of nuclear power sources in space in fact demonstrates our dedication to the policy of confidence and openness in space activities.

With reference to the principles drawn up by the Sub-Committee on the use of nuclear power sources in space, we can note with confidence that work on this question has been constructive and rather substantive. It is gratifying, in particular, to note that it was possible to reach mutual understanding on such an important question as "Guidelines and criteria for safe use" of nuclear power sources in space - and here I have in mind principle 3.

Subjects of very careful consideration were also issues linked to carrying out the assessment of the safety of nuclear power sources and defining the order in which their results should be made available to the international community. Here the Soviet delegation would like to inform the Committee that, after careful study of the proposals submitted in the Sub-Committee, we have decided to support the position of the majority of delegations concerning the proposal on publication of results of the safety assessments encompassing all relevant stages of flight prior to launch. We also agree to the idea of submitting to the United Nations Secretary-General information on how interested States could receive such safety assessments. We are gratified by the fact that new approaches to defining the

(Mr. Khabirov, USSR)

procedure for settlement of claims, proposed at the session of the Sub-Committee by the delegation of the Soviet Union, have had a constructive influence on the course of consideration of the principle concerning compensation. Finally, the Soviet side is ready to support the proposal concerning the commitment to compensate for well-founded expenses for search, recovery and clean-up operations, including expenses for assistance received from third parties.

I have a brief comment to make on the session which took place in Geneva on the question of the problem of the definition and delimitation of outer space. The Soviet delegation proposed to its colleagues the adoption of an agreed decision concerning consideration, on a preliminary level, at the session of the Sub-Committee in 1991, of questions concerning the use of aerospatial means, and having an exchange of views on defining parameters of international legal regulation of flights of such means. The Sub-Committee was close to adopting a consensus decision on this issue. We hope that our proposals will be adopted and implemented during the course of the present session of the Committee.

As we view it, work on questions which arise in connection with the use of aerospace means would allow us significantly to fill the legal vacuum that exists in this area. A source of satisfaction and an additional stimulus for serious and unbiased consideration of our proposal is the position of the Group of 77 of the developing countries, which collectively supported our proposal during the session of the Legal Sub-Committee in Geneva. With respect to the new agenda item, the delegation of the Soviet Union first and foremost welcomes the establishment of a working group and wishes it a successful start at the next session. The fact that the work of the Legal Sub-Committee will be focused on consideration of the legal

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aspects related to the principle in accordance with which exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, in our view, reflects the indisputable fact that the exploration of outer space is becoming ever more transnational and global in nature. We believe that it would be useful at the initial stage of work to carry out a wide-ranging survey of the norms of international space law for the benefit and in the interests of all States to define the need to make them concrete, to systematize them and to see to their progressive development. We believe it is necessary also to discuss questions of development of international co-operation in the exploration of outer space and, in particular, its legal aspects. Later, it would be possible to make concrete proposals serving the interests of the development of interaction in the sphere of space between different countries, the establishment of an approach based on a universal humanistic understanding, on resolving practical issues on Earth and on the use of space as required by the interests of peace and progress. In that context, a comprehensive study will be needed of issues of broader involvement in space activities by all interested States and, in particular, I should like to emphasize, by the developing countries.

I should like to take advantage of this opportunity to reaffirm the dedication of the Soviet Union to the consistent development and interaction in research and use of outer space for peaceful purposes.

(Mr. Khabirov, USSR)

Though the information concerning the agreements concluded by the USSR with various States in this field (document A/AC.105/C.216/Add.5), which was submitted in accordance with last year's report of the Sub-Committee, because of its format, does not represent an exhaustive listing, it nevertheless does give a rather full idea of the scale of our country's participation on many levels in international co-operation in the field of science and in the practical application of space technology. It is gratifying to note that the list contained in this document of international agreements was supplemented in April of this year - and this has already been spoken to - by two more, one with the People's Republic of China and the other with the European Space Agency (ESA).

In a word, the consistent development of international co-operation serves the implementation of the fundamental guidelines laid down in the 1967 Treaty on outer space, which has been convincingly spoken to by the representative of Brazil, and puts into practice the lofty principle of the peaceful use and exploration of outer space in the interests of all States.

Mr. DIRAN (Indonesia): My delegation would like to make a few comments on item 4 of the Legal Sub-Committee's agenda concerning the definition and delimitation of outer space and the character and utilization of the geostationary orbit. It is to be noted that the Legal Sub-Committee has had a useful exchange of views and made further effort to deal with the question of the definition and delimitation of outer space, together with the question of the geostationary orbit.

As the Committee is aware, Indonesia, together with other equatorial countries, attaches particular importance to the question of the geostationary

(Mr. Diran, Indonesia)

orbit. Indonesia's position on this question is reflected in the working paper submitted by Colombia, Ecuador, Indonesia and Kenya, (document A/AC.105/C.2/L.147). The geostationary orbit is a limited natural resource. Hence the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE 82), and articles 10 and 23 of the International Telecommunications Union (ITU) Convention of 1982, call for the rational, efficient, equitable and economical utilization of the geostationary orbit. The Working Group on item 4 has been using the comparative table contained in document A/AC.105/C.2/L.153 as a basis of discussion.

My delegation deems it essential for the Legal Sub-Committee to continue its endeavour to find a common ground on the basis of the documents to which my delegation has just referred, and also the "working non-paper" submitted by the Group of 77.

In view of the special characteristics of the geostationary orbit, it is imperative that its utilization be based on a sui generis legal régime for the purpose of ensuring its rational and equitable utilization for the benefit of all mankind, taking into account the special needs of the developing countries and the preferential rights of the equatorial countries.

In this connection, I should like to reiterate the view of my delegation that the Committee on the Peaceful Uses of Outer Space is the most competent body to draw up such a special legal régime, while recognizing the ITU as the appropriate body to deal with the technical aspects of the geostationary orbit.

The development of space science and technology applicable to the utilization of the geostationary orbit is of fundamental importance for the economic, social

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and cultural advancement of the peoples of all States, in particular those of the developing countries.

Let me now turn to another legal aspect of the peaceful uses of outer space. Since the advent of the space era, many technological barriers have been overcome and scientific advancement has taken place, making possible the utilization of the originally inaccessible space for beneficial purposes. In retrospect, those early days of exploration were directed towards exploratory and experimental operation that can be seen as the preliminary stage of mankind's involvement in space, primarily motivated by policy considerations of a military nature and national security.

However, various developments have changed this original purpose, resulting in a more complex one and introducing the evolutionary process towards the commercial use of the outer space environment, with its attendant legal implications. The process showed an important transition in the use of outer space from pre-operational and experimental to operational activities of space systems and peaceful uses. This coming of age of space endeavours has added yet another element of major importance that will influence the future of space utilization. The intensified commercialization of space activities in and relating to outer space is bound to influence further developments, including, but not limited to, the international legal implications of direct broadcasting and remote sensing by satellite, the protection of intellectual property in space endeavours, insurance, private enterprise and space law.

My delegation therefore wishes to draw the Committee's attention in particular to the legal aspects of the commercialization of space, taking also into account

(Mr. Diran, Indonesia)

the interests of developing countries which have no industrial and technological infrastructure.

It is my delegation's considered opinion that it is within the mandate of the Committee on the Peaceful Uses of Outer Space to study and consider the legal problems arising from the exploration and use of outer space and to prepare the necessary relevant draft principles and legal instruments. The time has come to assess whether the principles of existing international space law are adequate to accommodate the trends and commercial endeavours in space.

Mr. VALENCIA (Ecuador) (interpretation from Spanish): Since this is the first time my delegation has spoken at this session of the Committee, I wish to congratulate you, Sir, on once again chairing the work of the Committee. This is very promising for the success of our work.

With regard to the report of the Legal Sub-Committee, my delegation wishes to make certain comments on the question of the delimitation of outer space and the character and utilization of the geostationary orbit.

In the first place, we wish to express our appreciation to Mr. Estanislao Zawels, Chairman of the Working Group on this item, for his dedication in co-ordinating the work of the Group in Geneva.

The delegation of Ecuador believes that progress has been made on the informal papers submitted by several delegations at the last session of the Legal Sub-Committee. Nevertheless, the work of the Sub-Committee has suffered some setbacks. Although many members of the Committee feel that the discussions of the Committee and its Sub-Committees on this subject, have been very productive, some delegations maintain a different view, and as everyone knows, this circumstance has made the work of these bodies proceed at a very slow pace.

(Mr. Valencia, Ecuador)

We feel it is becoming increasingly clear that it is necessary to establish a sui generis legal régime to regulate access to and utilization of the geostationary orbit, which would relate, inter alia, to the serious problem of the saturation of this limited and exhaustible natural resource. Despite the new technological progress that has expanded the possibilities for its use, the finite nature of this resource is undeniable. It must be a legal régime that protects the rights of all countries to the orbit, taking into particular account the exceptional geographical situation of particular countries, including equatorial countries; a legal régime that would also take account of the future needs of developing countries, including those over whose territory the geostationary orbit lies, and recognize the important role of the International Telecommunication Union (ITU) in the technical sphere.

(Mr. Valencia, Ecuador)

My delegation hopes that the Committee and its Sub-Committees will have the necessary political will and flexibility to discuss this subject and reach agreement on it. Along with other delegations from developing countries, we believe that an agreement on this matter would be of practical significance for our peoples in the near future. No one can predict what the future technological needs of our countries may be, and it is therefore necessary that the international community, in accordance with space and international law, provide safeguards to ensure access to the geostationary orbit by all States; it should not limit such access to the law of "first come, first served" but, rather, make available to all the advantages at present enjoyed only by some technologically advanced countries.

My delegation has supported the search for a definition and delimitation of outer space, and we wish to stress the need for reaching an agreement on that question. The Committee and its Sub-Committees have a wealth of proposals before them, and they should take up the item in the near future. In the final analysis there must be the political will to give impetus to our consideration. We do not believe that it is merely a matter of solving a topical matter but rather one of facing up to reality. The lack of delimitation might in future be a source of conflict among nations. Here, the law should be concerned not so much with solving conflicts but with preventing them and avoiding them in the first place. Our consideration should include provisions relating to the protection of overflights by civilian aircraft and of objects launched to or returning from outer space.

With regard to the new agenda item, my delegation shares the interest a number of delegations have expressed in continuing the fruitful work of the Group presided over by Mr. Raimundo Gonzalez. We congratulate him and express our appreciation for his enthusiasm. We believe that the initial steps taken with regard to the analysis of the legal matters on co-operation are promising and that we must in

(Mr. Valencia, Ecuador)

future count on the co-operation of all delegations in the consideration and examination of the legal norms governing international co-operation in outer space.

Mr. HE Qizhi (China) (interpretation from Chinese): First of all, Mr. Chairman, please allow me, on behalf of the Chinese delegation, to express our gratitude to you for your consistent concern and support for the work of the Legal Sub-Committee. Through you, we wish to extend our congratulations to Mr. Mikulka for the achievements the Sub-Committee has made since his assumption of its chairmanship at its session in April of this year.

The Chinese delegation attaches great importance to and highly appreciates the work of the Legal Sub-Committee. We have always believed that the development of international space law and the formulation of legal norms governing space activities are of great significance in minimizing space conflicts and advancing international peace and security. Space law should be closely linked to space science and technology. The Chinese delegation has consistently taken an active part in the work of developing space law with a view to ensuring and furthering the development of space activities.

I should now like to make observations on the work and report of the Legal Sub-Committee on its session this year.

First, with regard to the use of nuclear power sources in outer space - which is a question of universal concern as well as an item of crucial importance on this session's agenda - we were pleased to see headway made at this year's session of the Legal Sub-Committee, as evidenced by the consensus reached through the joint efforts of all participants on principle 3, "Guidelines and criteria for safe use", which is a clause of key importance in the draft principles as a whole. That consensus has created favourable conditions for completing the elaboration of the

(Mr. He Qizhi, China)

entire set of draft principles. Thus far, agreement has been reached on 6 out of the 12 principles that constitute the basic framework of the draft principles.

We have taken note of the proposals made by some delegations that principle 2, "Notification of the presence on board a space object of a nuclear power source", be considered together with principle 4, "Safety assessment". We are of the view that those two questions are indeed connected to a certain extent, but they do differ in their respective contents and implications. We are looking forward to arriving at a more accommodating and appropriate approach that can, after careful consultations, be accepted by all sides.

The definition of a launching State is an extremely complicated question if a launching State is not the State that manufactured the nuclear-powered satellite, for in that case it is technically not able to make a safety assessment with respect to the nuclear-power satellite nor is it able to furnish relevant information concerning such nuclear-power satellites. In the light of those new developments we wonder if it might not be possible to spell out, on the basis of the present text, the role of a launching State and the task it is expected to perform under the specific conditions of each clause. This is difficult work, yet it may be a more reasonable and more feasible way of establishing the rights and obligations of each side concerned with regard to launching activities.

With regard to the question of State responsibility and liability, the various sides are approaching agreement as a result of the in-depth deliberations held at the previous sessions. This is indeed a welcome development. The progress achieved by the Legal Sub-Committee has been made possible by the unremitting efforts of all delegations to strive, in a spirit of consultation and co-operation, for consensus on a scientific basis. It is therefore the sincere hope of the Chinese delegation that on the basis of the informal consultations conducted at

(Mr. He Qizhi, China)

this session greater progress will be made in paving the way towards finalization of the draft principles as a whole at the session of the Legal Sub-Committee next year.

On the question of the definition and delimitation of outer space, since the legal system governing outer space is beginning to take shape and aviation law has reached an advanced stage, it is necessary from a legal point of view to delimit airspace and outer space. We hope that the Legal Sub-Committee will make further efforts to search for an appropriate solution in light of international practice and the scientific and technological developments in past years.

With regard to the question of the geostationary orbit we welcome the participation of a growing number of countries in the substantive discussions on that item. We reiterate that the legal system governing the geostationary orbit should be established on the basis of the principles of fairness, economy and effectiveness, taking into account the interests of the developing countries, including those of the equatorial countries.

Finally, on the question of a common-interest principle, it is recognized that outer space is the common province of all mankind and that it should be used for the benefit and in the interests of all countries. That is an established principle of space law. It is necessary for the Legal Sub-Committee to conduct further deliberations and to develop that principle further.

(Mr. He Qizhi, China)

We support the decision made at last year's session that we start by compiling and considering existing treaties and other international legal instruments as well as the relevant provisions in the national legislation of various countries relating to this principle. China has provided the Secretary-General with information concerning the space treaties to which China is a party and the bilateral agreements concerning space co-operation that China has signed. The Chinese delegation sincerely hopes that the working group set up for this purpose by the Legal Sub-Committee will quickly start substantive discussions on that basis next year. The Chinese delegation will actively participate in the consideration of this question.

Mr. BOYER (France) (interpretation from French): Let me begin by extending my delegation's congratulations to Mr. Mikulka, Chairman of the Legal Sub-Committee, for the outstanding report he submitted to the Committee, which summarizes very well all the work of the Sub-Committee.

I shall comment briefly on each item before the Sub-Committee. First, concerning the question of nuclear power sources, consideration of this item has resulted in indisputable and ever more obvious success. It is of special importance because it is the fruit of long and extensive study and discussion in meetings and in informal consultations. Success on principle 3 was secured through a clear spirit of consensus. Speaking personally, I should like also to say that the soothing climate in Geneva promoted legal thought - but I can speak only for myself in so far as that atmospheric consideration is concerned.

On the second item, wide differences remain on the question of the geostationary satellite orbit. For its part, the French delegation does not envision, in light of the debates, that these differences will be quickly bridged. However, this observation does not mean that the French delegation has concluded

(Mr. Boyer, France)

that the debates should be broken off. It is natural that there should be disagreement among some delegations, and discussion should continue. It might not, however, be a good idea during the discussions to try to achieve consensus at any price when it is obvious that such consensus does not exist. That would result only in a hardening of positions and in greater difficulties in follow-up discussions.

On the third item, relating to common benefit, my delegation can assure the Committee of the great interest of the French authorities in this item. They have had studies carried out. Those studies have already had a considerable input concerning what can be done in the area of co-operation. Let me emphasize something that is important for the follow-up discussions: My delegation considers that it would be undesirable, with regard to such co-operation, to divide the world sharply into two parts, the "haves" and the "have-nots". The situation is more complex than that. Who are the "haves" and who the "have-nots" depends on where you stand in terms of technological progress. The problem is not knowing whether or not a group of Powers viewed as "haves" should take certain measures, but knowing whether those measures should apply to all Powers irrespective of their level of technology - which in some cases is quite sophisticated.

Finally, with respect to the length and venue of the Legal Sub-Committee's session and its working methods, the French delegation sees no reason to address those matters now. But we reserve the right to speak again should they be raised later in the debate.

Mr. POCAR (Italy): The Italian delegation wishes to make a few comments on the report of the Legal Sub-Committee on the work of its twenty-ninth session. But let me first express my appreciation to the Chairman of the Sub-Committee, Mr. Mikulka, for the excellent way in which he carried out his task during the recent Geneva session, and for the comprehensive statement he made yesterday.

(Mr. Pocar, Italy)

The report shows that an essential step has been made this year towards the adoption of a set of principles on the main topic the Sub-Committee had before it for consideration: the use of nuclear power sources in outer space. After the consensus reached on some principles during previous sessions, it was possible at the recent spring session to agree on the principle concerning guidelines and criteria for safe use, on the basis of a working paper submitted by Canada, the Federal Republic of Germany and France. The significant goal achieved this year allows us to look with some optimism towards future work on this topic and towards its conclusion in a reasonable time.

In that respect, our delegation wishes to express once again its support for the working paper submitted by the delegation of Canada on the remaining principles to be considered. In our view, that document represents, in its latest version, an excellent basis for reaching agreement in the Legal Sub-Committee, although some aspects may need further discussion and although the text might be further improved.

(Mr. Pocar, Italy)

Without going into a detailed consideration of those questions, I should like only to mention the issue of a careful definition of the States that are meant to carry out the activities dealt with in principles 2 and 4, as well as the need to make sure that the other principles are drafted in a way that strengthens the existing régime of international responsibility and liability, as established in the outer space Treaty of 1967 and in the liability Convention of 1972, excluding any different interpretation. We are fully confident that these and other possible questions will find a positive solution in the very near future.

The report of the Legal Sub-Committee also deserves, in our view, positive consideration because of the progress achieved during the last session on the new agenda item concerning the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries. The debate that has started in the Sub-Committee on this topic has been focused on international co-operation in space activities and on a first review and consideration of the national framework and of international agreements entered into by States. A further review of such State activities next year, within the newly established Working Group under the able chairmanship of Mr. Raimundo Gonzalez - whom we congratulate on his election - will certainly prove to be fruitful and will add new constructive elements to the discussion of this agenda item.

Mr. ZAWELS (Argentina) (interpretation from Spanish): Some weeks ago many of those present participated in the discussions of the Legal Sub-Committee at its twenty-ninth session, so ably chaired by Mr. Vaclav Mikulka, at the end of which we adopted the report contained in document A/AC.105/457. I wish to express the following views of my delegation.

(Mr. Zawels, Argentina)

The Argentine delegation attaches great importance to the Legal Sub-Committee's general objective: the progressive development of space law. The elaboration of an international juridical order should benefit international co-operation, research and the preservation of the peaceful character of the exploration and use of outer space, bearing in mind the interests of all States, and in particular the needs of the developing countries.

The Working Group on the elaboration of draft principles relevant to the use of nuclear power sources (NPS) in outer space has continued its fruitful work, under the active Chairmanship of Mr. Hans Winkler of Austria. Here we draw attention to the agreement on the principle concerning guidelines and criteria for safe use. That agreement gives us reason to hope for the speedy conclusion of the consideration of those principles, which should ensure safety in space activities and formalize the responsibility of States and international organizations using nuclear power sources.

The Sub-Committee also, through its relevant Working Group, dealt with matters relating to the definition and delimitation of outer space. Here we wish to draw attention to the noteworthy idea put forward by the Soviet delegation that an exchange of views should begin on the legal problems resulting from flights of aerospace systems currently planned.

The same Working Group also continued consideration of the question of the character and use of the geostationary orbit, on the basis of elements in the informal document submitted by some members of the Group of 77. My delegation believes that it is important to continue consideration of this question, because the geostationary orbit is a limited resource, and there should be an equitable basis for its use, taking into particular account the needs and interests of the developing countries.

(Mr. Zawels, Argentina)

The Sub-Committee has already set up a Working Group to consider the legal aspects related to the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of the developing countries. Mr. Raimundo Gonzalez of Chile was elected as Chairman.

My delegation, together with the other members of the Group of 77, attaches particular importance and priority to that item, and hopes that it will be given priority on the Sub-Committee's agenda in future. On the basis of its reply sent to the Secretary-General, contained in document A/AC.105/C.2/15, will participate actively in the discussion of the issue.

That discussion should determine and specify the legal aspects of the application of the principle that the exploration and utilization of outer space should be carried out exclusively for peaceful purposes and for the benefit and in the interests of all peoples.

In our opinion, that principle should be applied with guarantees for the free exploration and utilization of outer space without any kind of discrimination, on the basis of equality and in accordance with the norms and principles of international law. Similarly, guarantees should be drawn up to ensure freedom of scientific research and to promote international co-operation with the countries that are less advanced in this field.

My delegation fully agrees with the guidelines described by the representative of Brazil in his statement today. We believe that the elements of complementarity, peaceful use, mutual benefit and joint action, which he described in connection with the formulation and development of the concept of international co-operation, provide the proper basis for the Group to begin the initial phase of its work.

(Mr. Zawels, Argentina)

In conclusion, I wish once again to draw attention to the fruitful, sustained work carried out over the years by the Legal Sub-Committee and my delegation's commitment to encourage, support and strengthen that work by promoting a climate of cordiality and flexibility in the Committee.

Mr. OBAKPOLOR (Nigeria): My delegation would like to comment on the report (A/AC.105/457) of the Legal Sub-Committee on the work of its twenty-ninth session. Let me first express its satisfaction at the progress made by the Sub-Committee in its work and congratulate Mr. Vaclav Mikulka of Czechoslovakia on the able manner in which he has handled its affairs.

My delegation is pleased at the establishment of a Working Group on the Sub-Committee's agenda item 5, "Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries", which was in consonance with paragraphs 4 (c) and 5 of General Assembly resolution 44/46 of 8 December 1989. This new agenda item affords the developing countries the opportunity clearly to articulate and analyse the concrete benefits and interests they expect to obtain from the exploration and utilization of outer space. It also challenges the major space Powers and other technologically developed countries to demonstrate by deeds, rather than mere words or rhetoric, their commitment to enhanced international co-operation, as well as to come to terms, in practical ways, with how the benefits of space exploration and utilization could spread to all countries, particularly the disadvantaged developing countries representing the vast majority of mankind.

(Mr. Obakpolor, Nigeria)

The benefits of space exploration and utilization span a very wide array of human endeavours. The knowledge acquired in vital areas of solar and atmospheric research, space communications, space medicine and biology, meteorology, astronomy, geodesy, remote sensing and environmental research, and a few other areas, has immensely transformed human capability in solving many scientific, technological, socio-economic and ecological problems that previously afflicted many developing countries. The work of the Legal Sub-Committee as set forth in document A/AC.105/457 of 2 May 1990 demonstrates present-day realities and the task ahead in meeting the challenges posed by scientific and technological advancement in outer-space exploration as well as the need to respond with appropriate measures and additional legal steps to correspond with the stages of development.

The 1967 outer space Treaty, the corner-stone of our work, stipulates that outer space should be maintained for peaceful purposes. While some have argued that the mandate of this Committee does not extend to disarmament questions, it is nevertheless the view of my delegation that there is obvious linkage with the need to safeguard outer space from the arms race or any militarization whatsoever, as an arms race in outer space would be inconsistent with the 1967 outer-space Treaty.

The fact that all nations share outer space without boundaries dictates that there is hardly any contention as to the fact that any extension of the arms race into outer space would pose a grave danger to mankind.

The question of the use of nuclear power sources in outer space has been on the Legal Sub-Committee's agenda for over 10 years. That was emphasized by its inclusion in the report on the twenty-seventh session of the Scientific and Technical Sub-Committee in document A/AC.105/456 of 12 March 1990. The background to the issue and the antecedents of the initiative on nuclear power sources by interested member nations is very much known to us. My delegation particularly welcomes the adoption of the report of the Working Group on the Use of Nuclear

(Mr. Obakpolor, Nigeria)

Power Sources in Outer Space, which dealt with the elaboration of scientific and technical criteria applicable to the safe use of nuclear power sources for space objects. With the consensus on its adoption in both the Scientific and Technical Sub-Committee and, subsequently, the Legal Sub-Committee, work on agenda item 3, on the elaboration of draft principles relevant to the use of nuclear power sources in outer space, was greatly facilitated. With the adoption of principle 3, and with principles 1, 5 and 7 earlier agreed upon, the Legal Sub-Committee is left with the remaining seven principles that will come up for discussion. My delegation is very optimistic that agreement on the remaining seven principles is now just around the corner.

My delegation wishes to comment on the definition and delimitation of outer space and the character and utilization of the geostationary orbit. Like the earlier item on nuclear power sources, this second item has been on the agenda of the Legal Sub-Committee for years. The item on the definition and delimitation of outer space and the character and utilization of the geostationary orbit has been deadlocked for years without any promise of breakthrough. The question has been whether or not to define and delimit outer space, as distinct from airspace, under an appropriate binding international framework, as well as determine the characteristics and utilization of the geostationary orbit, it being the most useful and valuable part of outer space.

My delegation's position is that outer space should be defined and delimited from airspace, to be governed by two different legal regimes, the first on account of the need for openness and free passage for exploration as a province of all nations, and the latter on airspace as the domain for national jurisdiction, sovereign rights and security zone for individual countries. We have earlier proposed an upper airspace limit of 90-kilometres altitude as belonging to national jurisdiction, which should be recognized as the lower limit of outer space for

(Mr. Obakpolor, Nigeria)

international satellite exploration. However, we favour other positive alternatives, including the recent USSR proposals made during the twenty-ninth session of the Legal Sub-Committee.

On the question of the geostationary orbit, located astride the equator at an altitude of 36,000 kilometres in outer space, we join the mainstream of the developing countries in calling for its rational use as the most important but finite resource in outer space. My delegation does not agree with those who maintain that the exploration and utilization of outer space, including the geostationary orbit, create no political or legal problems at present since the technical and scientific problems related thereto were supposed to be satisfactorily resolved by the International Telecommunications Union (ITU), which currently allocates to various countries and administers radio-frequency wavebands and telecommunication networks linked to the geo-stationary orbit. We continue to believe that while the ITU can competently handle the scientific and technical problems, the legal and political aspects of the geostationary orbit need to be tackled in this forum.

International co-operation has been the binding force of this Committee. To give it concrete and practical meaning, Nigeria has outlined certain areas where collective attention should be focused. Our views have been reflected in the Legal Sub-Committee's report (A/AC.105/457) in paragraphs 47 (a) to (f), 50 and 51, and need not be repeated here.

Finally, the Nigerian delegation beleives that our common endeavour here will not be complete without adequate concern for the safeguarding of our global environment from activities in outer space. That is why we continue to call for thorough discussion of the question of safeguarding the biosphere from the environmental pollution that the collision of launched space objects with floating space debris could unleash. We believe that, while necessary attention is being

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(Mr. Obakpolor, Nigeria)

paid to the question of the safe use of nuclear power sources in outer space, the space-debris aspect constitutes the other side of the same coin and should be given serious attention in its own right without further delay.

Mr. BASAVE (Mexico) (interpretation from Spanish): The delegation of Mexico wishes to appeal to all members of the Committee, particularly the great space Powers, to approach the important work of the Legal Sub-Committee constructively and seriously. To Mexico, it is extremely urgent for us to achieve substantive advances in the progressive development of international law in the field of space, since only through appropriate legal regulations will it be possible to ensure that the exploration and utilization of outer space is carried out exclusively for peaceful purposes, for the benefit and in the interests of, all mankind.

On the items contained in the Legal Sub-Committee's agenda, my delegation wishes to make the following comments.

With regard to the elaboration of principles on the use of nuclear power sources, my delegation notes with satisfaction that with political will it has been possible to translate into legal language the recommendations reached by the Scientific and Technical Sub-Committee on principle 3. Would the same were true of all the items being considered by the Committee. While we are encouraged that progress has been achieved by consensus in the elaboration of these principles, my delegation regrets that it has still not been possible clearly to define the concept of "launching State" and the responsibilities to be assigned to such States. In my delegation's opinion, in the forthcoming meetings of the Legal Sub-Committee this issue must be dealt with in depth.

(Mr. Basave, Mexico)

With regard to the item on the definition and delimitation of outer space and utilization of the geostationary orbit, the delegation of Mexico views with concern that the solution of this problem, for some countries, is confined to proposing that it be eliminated from the agenda of the Legal Sub-Committee. Mexico believes that it is important to take into account the fact that, while for some space Powers the lack of any delimitation between airspace and outer space does not represent any serious problem for their activities, for the majority of nations the problem of the establishment of a limit of their sovereignty in airspace continues to be a problem.

The delegation of Mexico supports the proposal of the Soviet Union that we begin consideration in 1991 of the international legal problems related to flights of aerospatial systems. In addition, my delegation believes that it is necessary to consider the proposal for the establishment of a special legal régime for the geostationary orbit. The working paper informally submitted last year by a group of countries constitutes a good basis for the consideration of this topic.

With regard to the new item on the agenda of the Legal Sub-Committee concerning the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, the delegation of Mexico regrets the fact that it has taken a full five years from the beginning of the discussion on what new item would be considered in the Legal Sub-Committee for substantive consideration of this very important new item to take place. Therefore, my delegation considers that it is important to point out that even before we approach the successful conclusion of the draft principles on the use of nuclear power sources in outer space, we should begin to consider the possibility of including new items in the agenda of the Sub-Committee, in order that the codification of space law does not lag behind the accelerated pace of space science and technology.

(Mr. Basave, Mexico)

In this connection, the delegation of Mexico feels that we should examine the question of space debris, whose existence represents a constant threat to space activities. Similarly, it would be worth while to consider the situation of international treaties on outer space in order to determine what measures we could adopt to ensure the universal applicability of the legal régime for outer space.

Moreover, it would be desirable to begin consideration of the applicability of the principle of transparency, which is so much in fashion in the disarmament negotiations, for all matters relating to space activities. The Convention on Registration of Objects Launched into Outer Space could be a good point of departure for our efforts in this area. It is also important to recognize the need to strengthen the provisions of the Convention so that the international community has a mandatory system on registration of objects launched into outer space making it possible to identify such objects and to determine the general function of each one and its potential contribution to the exploration and use of outer space that should be carried out exclusively for peaceful purposes.

In conclusion, the delegation of Mexico wishes to stress that the revitalization of the work of this Committee and of its two Sub-Committees can be achieved only through the formulation of constructive proposals with a view to ensuring that all activities relating to the exploration and use of outer space are carried out in the interests of maintaining international peace and security and promoting genuine international co-operation and understanding.

Mr. AHMAD (Pakistan): My delegation would like at the very outset to express its satisfaction at the work done by the Legal Sub-Committee at its last session. The Chairmen of the Working Groups set up by the Sub-Committee, namely, the representatives of Austria and Argentina, Mr. Winkler and Mr. Zawels, deserve the appreciation of this Committee for having ably assisting the Legal

(Mr. Ahmad, Pakistan)

Sub-Committee in its work on agenda items relating respectively to the use of nuclear power sources in outer space and matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit.

As has been generally acknowledged at this session of the Committee, the Legal Sub-Committee registered a major breakthrough in reaching a consensus on the text of principle 3, guidelines and criteria for safe use of nuclear power sources in outer space, which has opened the way for a speedy resolution of the remaining outstanding matters in order to conclude work in this area. My delegation now looks forward to rapid progress at the next session of the Sub-Committee. This would obviously be welcome not only in its own right but also from the point of view of enabling the Legal Sub-Committee to devote more of its time to other pressing items before it.

With regard to the agenda item dealing with the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of the developing countries, a subject to which my delegation attaches great importance, the Legal Sub-Committee has taken a correct decision in setting up a Working Group which will start its work next year under the chairmanship of the representative of Chile, Mr. Raimundo Gonzalez. My delegation is certain that under his able leadership the Working Group will make good progress and assist the Legal Sub-Committee in moving forward in this area of vital importance in order to ensure a smooth and orderly development of uses of outer space for the benefit of all States in general and of developing countries in particular. Looking back at the sketchy and not so well-defined discussions on this subject at the last session of the Legal Sub-Committee, one can only say that,

(Mr. Ahmed, Pakistan)

as it was the first formal exchange of views on the subject, the Sub-Committee could only bring forth the individual opinions and views of delegations.

It is the sincere hope of my delegation that the Sub-Committee, with the help of the Working Group, will quickly settle down to chart its way and to achieve a satisfactory pace of progress, without which serious difficulties could be encountered in the realization of the common goal of efficient and orderly utilization of outer space for the benefit of mankind.

Mr. SATOH (Japan): I should like to comment briefly on some of the issues relating to the work of the Legal Sub-Committee, to follow up on the statement we made during the general exchange of views.

With regard to nuclear power sources, we are gratified that this year the Legal Sub-Committee, based on the recommendations of the Scientific and Technical Sub-Committee, has reached consensus on principle 3. My delegation hopes that we can build on this progress as we take up the remaining principles and reach consensus on the entire set of draft principles as early as possible.

In this regard, my delegation welcomes the Canadian initiative to hold informal consultations during the current session of the Committee on the Peaceful Uses of Outer Space to facilitate our deliberations on nuclear power sources, and also would like to express its appreciation to our Austrian colleague, Mr. Helmut Freudenschuss, for the skilful manner in which he conducted the informal meeting held last week.

(Mr. Satoh, Japan)

With respect to each draft principle on nuclear power sources, my delegation basically supports the formulations contained in the Canadian sixth revised version. We consider that two elements - namely, under principle 2, that of notifying the Secretary-General of the presence on board of nuclear power sources, and under principle 4, that of making the safety assessment of nuclear power sources publically available prior to each launch - are particularly important as confidence-building measures in international relations. My delegation firmly supports the methods and timing of such notification and safety assessment as described in the Canadian revision.

As for the definition of "launching States", my delegation considers that this should be determined at a later stage, according to the context of each draft principle, and that "launching States", under principles 3, 4 and 9, should be defined as "States which launch or procure the launching of space objects with nuclear power sources on board".

I should like now to refer briefly to the question of the Sub-Committee's working methods. My delegation believes that it is important to review systematically the working methods and procedures of the Sub-Committee in order to devise operational procedures that are as flexible and efficient as possible. Accordingly, at last year's meeting of the Legal Sub-Committee, my delegation joined those of like-minded countries in submitting a working paper on enhancing the efficiency of the Sub-Committee's work.

In this context, we appreciate, as a concrete step forward, the consensus decision reached at last year's session of the Committee to allocate sufficient time to Sub-Committee deliberations on nuclear power sources. We hope that this year, too, it will agree to allocate enough time so that the Sub-Committee will be able to finalize its discussions on nuclear power sources.

(Mr. Satoh, Japan)

In this regard, my delegation supports the idea of rotating the order of consideration of agenda items, specifically making nuclear power sources the second substantive agenda item at the next session of the Sub-Committee, in view of the fact that at last year's session the significant time allocated for nuclear power sources was consumed by a general exchange of views.

Finally, with regard to the venue of the Legal Sub-Committee's meetings, we understand that this issue may require more time to foment understanding among Member States. Therefore, I should like to express my delegation's position on the matter on this occasion. My delegation holds the view that, taking into account the recommendations made by the Advisory Committee on Administrative and Budgetary Questions last year, and from the viewpoints of economy and convenience of attendance of many delegations, it is advisable to convene the Legal Sub-Committee at United Nations Headquarters in New York every year, rather than alternately in Geneva and New York.

Mr. CHANDRASEKHAR (India): The rapid technological progress taking place in the field of the exploration and use of outer space has been posing a continuous challenge for the further development of international law related to outer space and for ensuring that space activities are carried out for the benefit and in the interests of all States. The Legal Sub-Committee and our Committee have made signal contributions in the past in establishing the guiding principles for the exploration and utilization of outer space for peaceful purposes and in evolving relevant international law through a set of Treaties and Conventions.

This is still an outstanding achievement in the sense that these principles form the foundation for making progress in our work. The principles we established

(Mr. Chandrasekhar, India)

were the guiding spirit of the space activities of nations and, to a large extent, inspired the growth of international co-operation and orderly development.

However, the further development of international space law in recent years has become increasingly complex and is too slow to cope with the technological race. The result is that the necessary wisdom and regulations which are to be provided for the technological developments and their applications are often relegated to the back seat.

In these circumstances, the progress achieved at the twenty-ninth session of the Legal Sub-Committee can be seen as a small gain. Nevertheless, the consensus reached on the important draft principle on the guidelines and criteria of the safe use of nuclear power sources in outer space is significant in that it raises hopes for the early conclusion of work on this agenda item. Our delegation believes that it is important to focus attention on the remaining principles on this subject that are yet to be agreed upon, with a view to concluding work on the subject and establishing binding international norms as soon as possible.

Our delegation appreciates the hard work of many delegations to facilitate consensus on principle 3. The exemplary spirit of co-operation and compromise on the part of all delegations was responsible for this achievement.

We note, too, that the essential elements of the consensus recorded at the last session of the Scientific and Technical Sub-Committee have been reflected in principle 3, which was agreed to in the Legal Sub-Committee, with the exception of one paragraph, which in some ways is related to the question of assistance in the case of the re-entry into the Earth's atmosphere of a space object with nuclear power sources on board. In the overall framework of the draft principles for

(Mr. Chandrasekhar, India)

nuclear power sources, we are of the view that the consensus paragraph arrived at in the Scientific and Technical Sub-Committee is an important aspect to be taken into account. Hence, we reiterate that this has to be reflected within the overall body of the draft principles.

Although consensus has been reached on the subject of draft principles for the safe use of nuclear power sources in outer space, there are still a few outstanding principles to be agreed upon in the Legal Sub-Committee. We consider that some of these are important from the legal point of view. With regard to these principles, there are still some diverse views, particularly relating to notification prior to launch, safety assessment, the definition of launching State, responsibility and compensation. In this respect, our delegation made known its position in the Legal Sub-Committee and during the informal discussions, and we do not wish to repeat them here. We are keen to see consensus reached soon on these outstanding issues, and we shall make every effort to promote consensus.

With regard to the agenda item relating to the definition and delimitation of outer space and of the geostationary orbit, we note that the progress made is not satisfactory. We hope that some meaningful discussion will take place during future sessions, going beyond the divergent views which have persisted in the past.

Our delegation recognizes the need for a legal definition which clearly delimits airspace from outer space, taking into account the different legal régimes applicable to them. We welcome the willingness on the part of many delegations to explore possible ways in which further progress can be achieved on the subjects in the Legal Sub-Committee and hope that we will be able to move forward.

(Mr. Chandrasekhar, India)

India considers that the new agenda item dealing with the legal aspects relating to the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries, is very important and should be assigned priority. We should like to express our satisfaction on the establishment of the Working Group on this item, and we hope that when it is convened during the next session it will consider all substantial aspects relevant to the item, including any proposals put forward by member countries.

We note that a number of views were expressed during the last session of the Legal Sub-Committee regarding possible issues to be considered under this agenda item. We would like the Working Group to be provided with an adequate mandate to enable it to consider all the views expressed by members and to finalize its method of work. We congratulate Mr. Raimundo Gonzalez, of Chile, on his election as Chairman of the Working Group, and wish him all success in dealing with this complex and important item.

India views progress on this subject to be essential for the greater promotion of international co-operation and for shaping the course of future space activities truly in the spirit of the principles enshrined in the outer space Treaty.

(Mr. Chandrasekhar, India)

As a developing country India is strongly committed to the use of outer space for peaceful purposes and essentially for the goal of assisting its own rapid socio-economic development. For the purpose of implementing large-scale applications particularly suited to its own needs and for ensuring the maximum use of available indigenous resources, India has pursued the path of developing indigenous capabilities in space technology and its applications. India also pursues and promotes international co-operation in the exploration and peaceful uses of outer space and recognizes it as a valuable instrument for the rapid achievement of solutions to the problems of expanding communications, spreading education, assessment and management of natural resources and combating such natural disasters and floods, droughts and so on.

In the pursuit of international co-operation in that field India has been adhering to the principles enunciated in various international Treaties and Conventions evolved by the United Nations and has actively contributed to their promotion and evolution. We believe that that unique international legal framework, which was developed by our Committee and Legal Sub-Committee, has inspired and enabled many international co-operative activities that were beneficial to several countries.

Members of the Committee are also aware that there is still a large gap between the benefits that could be obtained through outer space in the interests of all nations, particularly developing nations, and what has been achieved so far. There are still impediments in the path of several developing nations that wish to develop their capabilities in space and seek to apply them to their own peaceful developmental needs. Those impediments, in the form of restrictions on technical-information exchange, training, the supply of equipment and components, and even on peaceful developmental applications, affect the progress in the conduct

(Mr. Chandrasekhar, India)

of space activities and in the realization of their benefits by the developing countries. In that connection it is necessary to review the mechanisms to promote greater international co-operation, to identify the impediments and to evolve common solutions so that the spirit of the principles envisoned in the outer space Treaty, in particular the one that is the subject of agenda item 3 of the Legal Sub-Committee, is realized in practice.

Hence, in my delegation's view that agenda item should be given urgency and priority status, and we seek a constructive and substantive dialogue on it in the Working Group so that we can achieve further progress.

Mr. SOOS (Federal Republic of Germany): Among the work undertaken by the Legal Sub-Committee, the set of principles on the safe use of nuclear power sources in outer space deserves, in the view of my delegation, special emphasis. The Federal Republic of Germany is convinced of the importance and expediency of those principles. It regards the fact that consensus has now been reached on 6 out of a total of 12 principles as a major breakthrough. Especially gratifying and encouraging is the fact that it has been possible to achieve the goal we set ourselves last year, namely, to reach agreement on principle 3, which may be considered to be the most central and difficult one.

In light of that remarkable success we might also hope for progress with regard to the remaining principles in the near future. On the basis of the valuable working paper (A/AC.105/C.2/L.154/Rev.6) submitted by Canada, that holds especially true with regard to principles 8 and 12, which seem to be generally acceptable and could form the basis for a consensus. As regards principle 11, there seems to be an emerging consensus towards deleting it.

Further, we believe that after the very active and fruitful discussions on principle 9 the elements of its final wording have taken shape, so that that

(Mr. Soos, Federal Republic of Germany)

principle also could be finalized soon. By quickly reaching a consensus on those rather non-controversial principles we could then concentrate fully on the few remaining ones where some work has still to be done.

Turning to the other issues on the agenda of the Legal Sub-Committee, I would like to mention that for a number of years the Legal Sub-Committee has been discussing questions relating to the definition and delimitation of outer space, as well as questions concerning the utilization of the geostationary satellite orbit. In spite of the depth and substance of the debates held so far on those topics, in which my delegation has taken an active part, no real progress has been achieved in lessening the gap between positions taken by various delegations represented in the Sub-Committee. My country's position on those matters is well known and remains unchanged, given the lack of essential new elements with regard to both topics.

Finally, I would like to welcome the fruitful discussion concerning consideration of the legal aspects relating to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries. My delegation reiterates its willingness to participate in this endeavour. In this context I should like to emphasize the significance of last year's four-phase working programme, the pursuit of which would help considerably to streamline the working methods of the Legal Sub-Committee.

In that context let me also re-emphasize our readiness to support efforts to improve the efficiency of the various committees. We will continue to participate in the search for ways to rationalize the working methods of the Committee and its Sub-Committees. We believe that greater flexibility would be very useful in this

(Mr. Soos, Federal Republic of Germany)

respect, since it would enable the committees to respond swiftly to changes of emphasis in the agenda. In that connection we would like to welcome the proposal to rotate the order of agenda items. However, that should not be implemented in a strictly dogmatic way, but should take into account the importance of the individual items under consideration at the respective session.

Let me once again commend the overall fruitful and valuable work of the Legal Sub-Committee. This year's session has shown that, as a result of general willingness to work in a constructive manner, fair and balanced consensus solutions are possible. This is particularly true whenever the Sub-Committee concentrates on those important issues that are included in its mandate and that can be solved on a common basis. In our future work we should go on tackling subjects that are both important to all Member States and on which consensus can be achieved.

Mr. NOREEN (Sweden): I would like to offer a few brief comments on the Legal Sub-Committee's consideration of the agenda item on nuclear power sources in outer space. In the view of the Swedish delegation the agreement that was reached in the Legal Sub-Committee on principle 3 represents a major step forward in our work on this highly important item on the agenda. Through the agreement a major obstacle in the way towards an agreement on a full set of principles has been removed. It is the view of my delegation that a final agreement on all outstanding principles is clearly within reach at next year's session.

My delegation would agree with what was said by the representative of Italy, namely, that the latest revised version of the working paper submitted by Canada (A/AC.105/C.2/L.154/Rev.6) is an excellent basis for tackling the outstanding principles, and it appears to my delegation that the two major outstanding problems are linked to principle 2, "Notification of the presence on board a space object of a nuclear power source," and principle 4, "Safety assessment." It is Sweden's

(Mr. Noreen, Sweden)

view that those two principles should be considered together. We have in the past supported the idea of making safety assessments publicly available and making such assessments prior to each launch. In that respect we welcome what was said earlier this morning by the representative of the Soviet Union, namely, that the Soviet Union is now in favour of making such safety assessments publicly available.

(Mr. Noreen, Sweden)

If we were to agree on such a principle, one that would make safety assessments publicly available and at the same time stipulate that such assessments should be made prior to each launch, then it appears to us that we would have come up with a solution that essentially takes care of the principle of notification incorporated in draft principle 2. If that were the case, my delegation would consider a separate principle on notification redundant.

We are very grateful to the delegation of Canada for having initiated informal consultations on the outstanding principles at the session. Regarding principles 2 and 4, that is an avenue my delegation would be in favour of exploring.

Mr. TETU (Canada) (interpretation from French): With respect to the report of the Legal Sub-Committee on the work of its twenty-ninth session, my delegation would like to stress its appreciation of the effective manner in which Mr. Hans Winkler of Austria presided over the work of the Sub-Committee's Working Group on the elaboration of draft principles relevant to the use of nuclear power sources in outer space. Under Mr. Winkler's leadership, the Working Group was able unanimously to adopt what we think of as the key principle: draft principle 3 on guidelines and criteria for safe use. Canada welcomes with relief this important development, which came after several years of intensive negotiations.

With respect to outstanding draft principles - numbers 2, 4, 8, 9, 11 and 12 - Canada remains confident that the consultations that followed last week's informal meeting chaired by Mr. Helmut Freudenschuss of Austria will pave the way to agreement in the near future. Indeed, those consultations continue actively, and could at the present session lead to agreement on draft principles 8 and 12 and on the deletion of draft principle 11. Negotiations on draft principle 9 are going well; here too it may be possible that agreement on wording acceptable to all can be reached in the short time remaining to us.

(Mr. Têtu, Canada)

We therefore hope that at its next session the Legal Sub-Committee will be able to focus exclusively on the draft principles where differences remain: numbers 2 and 4.

We continue to be interested in participating in the consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries, in order to see how the exchange of views begun in the Working Group on this item can be continued.

My delegation is flexible with respect to organization of work and working methods of the Legal Sub-Committee. The fact is that there is always room for improvement and for a better use of allocated resources. We are ready to engage in constructive dialogue. Among other things, we favour rotation of discussion on the various agenda items.

The meeting rose at 12.55 p.m.